

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
PROPHET MORTGAGE OPPORTUNITIES, LP, :

Plaintiff, :

-v- :

CHRISTIANA TRUST, a Division of Wilmington
Savings Fund Society, FSB, as Both Owner Trustee and
Indenture Trustee of RBSHD 2013-1 Trust *et al.*, :

Defendants. :

22 Civ. 9771 (JPC)

ORDER

-----X
JOHN P. CRONAN, United States District Judge:

As detailed at oral argument on January 17, 2024, the parties may file supplemental briefing of no longer than ten pages by January 31, 2024, concerning the following topics: (1) the propriety of Plaintiff bringing simultaneous direct and derivative claims under the framework of *Tatintsian v. Vorotyntsev*, No. 16 Civ. 7302 (GHW), 2018 WL 2324998 (S.D.N.Y. May 22, 2018), with particular reference to Section 8.02 of the Trust Agreement, (2) whether Count Five may be brought against the Owner Trustee, and (3) the impact (if any) of *Pension Committee of the University of Montreal Pension Plan v. Banc of America Securities LLC*, 568 F.3d 374 (2d Cir. 2009) on Count Six.

The Court has also reviewed the parties' submissions regarding the sealing of Defendants' Third-Party Complaint and redactions in the publicly filed version of that filing. Dkts. 69, 89. The request is granted for the reasons stated by Plaintiff in its January 15, 2024 letter concerning its sensitive business information contained in the Third-Party Complaint. *See* Dkt. 89. The Court therefore orders that the Third-Party Complaint be filed under seal in unredacted form, with the publicly filed version of that document containing the proposed redactions.

The Clerk of Court is respectfully directed to close Docket Number 69.

SO ORDERED.

Dated: January 23, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

JOHN P. CRONAN
United States District Judge